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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 v.
12 RANDALL ERVIN VENERABLE,
13 Defendant.

Case No. 2:18-cr-104-RFB-GWF

Stipulation to Reduce Sentence

14 It is hereby stipulated and agreed, by and between Jason M. Frierson, United States
15 Attorney, and the Director of the Federal Bureau of Prisons (BOP), through Jim W. Fang,
16 Assistant United States Attorney, and Heidi A. Ojeda, Assistant Federal Public Defender,
17 counsel for Defendant Randall Ervin Venerable, that the parties respectfully move the
18 Court, pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), to modify Venerable's term of
19 imprisonment to time-served. Consequently, Venerable voluntarily moves to dismiss his
20 pending Emergency Motion for the Court's Intervention and Assistance, ECF No. 64, as
21 moot. In support, the parties stipulate to the following:

22 1. On April 2, 2019, Venerable pleaded guilty to two counts of distribution of
23 methamphetamine, one count of possession with intent to distribute heroin, one count of
24 possession with intent to distribute methamphetamine, one count of possession of a firearm

1 in furtherance of a drug trafficking offense, and one count of possession with intent to
2 distribute cocaine.

3 2. On July 18, 2019, the Court sentenced Venerable to a 180-month term of
4 imprisonment followed by a five-year term of supervised release, and a \$600 special
5 assessment.

6 3. Venerable has a projected Good Conduct time release date of January 10,
7 2031.

8 4. Venerable, age 58, is diagnosed with stage IV high grade soft tissue sarcoma
9 with metastasis to the lung and abdomen. On August 22, 2024, an oncologist noted that he
10 is not a surgical candidate and that based on his aggressive disease process the treatment
11 focus will be palliative in nature and not curative. Venerable remains generally independent
12 with his Activities of Daily Living and Instrumental Activities of Daily Living and requires
13 a wheelchair. According to the oncologist, his prognosis is poor with a life expectancy of
14 less than 18 months.

15 5. If the Court grants the sentence reduction, Venerable plans to reside with his
16 wife in Las Vegas, Nevada. The U.S. Probation Office for the District of Nevada has
17 approved the release plan.

18 6. Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), the Court, upon motion of the
19 Director of the BOP, may modify a term of imprisonment upon the finding that
20 “extraordinary and compelling reasons” exist to warrant a reduction. Specifically, U.S.S.G.
21 § 1B1.13(b)(1)(A) states there exists an extraordinary and compelling reason to grant relief if
22 “the defendant is suffering from a terminal illness (*i.e.*, a serious and advanced illness with
23 an end-of-life trajectory).”

1 7. Prior to his Emergency Motion, Venerable sought to obtain a sentence
2 reduction through the administrative process with the BOP. During the process, the BOP
3 sought the United States Attorney's position regarding a potential release. The United States
4 Attorney opposed release, opining that Venerable's criminal history and ever-escalating
5 criminal behavior over the period of decades weigh against release.

6 8. Nevertheless, on November 6, 2024, the Director of the BOP requested the
7 United States Attorney to file a motion on her behalf to reduce Venerable's term of
8 imprisonment to time-served, stating that Venerable's terminal medical condition
9 constitutes "extraordinary and compelling reasons" warranting the requested reduction.
10 Based on the Director's recommendation, the United States Attorney has reconsidered his
11 opposition to release. Upon further consultation with defense counsel, the parties agree to
12 file this stipulation.

13 9. Accordingly, the parties respectfully and jointly move the Court to grant the
14 requested sentence reduction. Venerable also respectfully moves to dismiss his Emergency
15 Motion, ECF No. 64, as moot.

16 10. If the Court grants the sentence reduction, Venerable would not, however, be
17 subject to complete release, as he would begin serving the five-year term of supervised
18 release previously imposed by the Court.

19 DATED this 7th day of November, 2024.

20 JASON M. FRIERSON
United States Attorney

21 *s/Jim W. Fang*
22 JIM W. FANG
Assistant United States Attorney
Counsel for the United States

23 *s/ Heidi A. Ojeda*
HEIDI A. OJEDA
Assistant Federal Public Defender
Counsel for Venerable

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9 **ORDER**

10 Based on the pending Stipulation between the defense and the government, and good
11 cause appearing therefore,

12 IT IS HEREBY ORDERED that Venerable's term of imprisonment is reduced to
13 time-served;

14 IT IS FURTHER ORDERED that Venerable shall be released from the custody of
15 the Federal Bureau of Prisons as soon as his medical condition permits, the release plan is
16 implemented, and necessary arrangements can be made;

17 IT IS FURTHER ORDERED that upon his release from the custody of the Federal
18 Bureau of Prisons, Venerable shall begin serving the five-year term of supervised release
19 previously imposed; and

20 IT IS FURTHER ORDERED that Venerable's voluntary motion to dismiss his
21 pending Emergency Motion for the Court's Intervention and Assistance, ECF No. 64, as
22 moot is hereby GRANTED.

23 IT IS SO ORDERED:

24 

RICHARD F. BOULWARE, II
United States District Judge
Dated 11/8/2024